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REMARKS

Reconsideration of this patent application is respectfully requested.

Claims 18-34 are currently pending in the application. Claims 18-34 are subject to a restriction requirement between the following Groups of claims:

- A. Group I Claims 18-29, 32, 34 drawn to a method for the detection of aneuploidy.
- B. Group II Claims 30-31 and 33 drawn to a kit.

The Examiner argues that restriction is proper because Group I and II claims do not relate to a single general inventive concept and lack the same or corresponding special technical features. In particular, the Examiner argues that Group I claims require the following special technical features not required for Group II claims and therefore, argues that Group II claims are not drawn to a kit specifically designed for the process of Group I:

- a) Fluorescently-labeled polynucleotide samples that are representative of the number of each chromosome in said subject.
- b) Non-aneuploid fluorescently-labeled polynucleotide standards for each chromosome; and
- c) Microparticles for each chromosome.

In order to be fully responsive, applicants hereby provisionally elect Group I Claims 18-29, 32 and 34 drawn to a method for the detection of aneuploidy. Such election has been made with traverse.

Applicant respectfully asserts the Examiner's restriction requirement has been improperly made. One of the objects of the present invention is to provide a general method of detecting aneuploidy in one or more chromosomes of a subject. In a particular embodiment, such method includes a kit that provides all of the reagents necessary to conduct such a test for aneuploidy. Therefore, since the focus of certain embodiments of the present invention is to provide a

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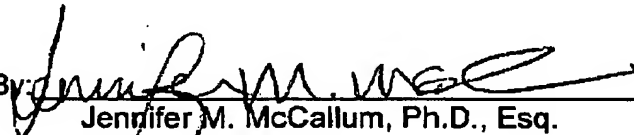
general method of detecting aneuploidy in a subject and the kit is but one way to conduct such a test, Applicant respectfully submits that this specie has unity of invention and also forms a single inventive concept.

Conclusion

In view of the foregoing remarks, Applicant respectfully requests that the restriction requirement be withdrawn upon consideration. The provisional election of Group I claims herein should not be construed as an abandonment of the inventions of the non-elected claims of Group II and Applicant reserves the right to file a continuing application or take such other appropriate action as is necessary to preserve the non-elected inventions. Applicant respectfully requests reconsideration and examination as to the merits of the application.

If the Examiner notes any further matters which would be expedited by a telephonic interview, he or she is requested to call Dr. Jennifer M. McCallum at the telephone number listed below.

Respectfully submitted,

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